THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.174 of 2006

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27th February 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02.09.2004 in W.V.M.P.No.2527 of 2003 in W.P.M.P.No.10225 of 2003 in W.P.NO.7855 OF 2003 on the file of the High Court.)

Between:

Y.V.Rama Rao S/o Late Dr.Y.V.Basavaiah,
Chandrayanguntta, Hyderarabad, R/o 26-2-738/6, Osmangadh,
Malakpet, Hyderabad.

...APPELLANT

AND

1. The General Manager (Operations) and Appellate Authority, State Bank Of India, Zonal Office, Koti, Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.174 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant is the unsuccessful writ petitioner at the interlocutory stage. In the Writ Petition filed, the petitioner sought to assail only the initiation of the disciplinary action for the second time. The case of the petitioner is that having regard to the non-acceptance of the initial Enquiry Report, fresh enquiry is not permissible. The learned Single Judge, by going into the merits, held that for want of document, which has been held up in the Criminal Case, reconsideration is required. Therefore, it is

only a matter of remission but not total disagreement of the findings of the Enquiry Officer. Therefore, an opportunity should be given to both the sides. As such the learned Single Judge vacated the interim stay, which was granted pending the Writ Petition.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that in the Writ Petition, the petitioner sought to assail the initiation of disciplinary action for the second time whereas, the proceedings of disciplinary authority in not accepting the earlier Enquiry Report and the order of remission were not challenged. Having regard to the same, we do not find any justification to entertain any interlocutory application and the learned Single Judge has rightly dismissed the same. Hence, we do not find any merits in the Writ Appeal.

Accordingly, the Writ Appeal is dismissed. However, it is open for the petitioner to avail appropriate legal remedies by way of proper application. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

27th February 2006

Note: CC by three days

B/O

RRB